

**Question for written answer P-001163/2019
to the Commission**
Rule 130
Cătălin Sorin Ivan (NI)

Subject: VAT Directive

On 19 December 2018, the EU Court of Justice handed down its judgment in Case C-17/18 (Mailat). However, it is open to a number of interpretations, possibly undermining the uniform implementation by the Member States of Articles 19 and 29 of the VAT Directive.

What is the Commission's view of the treatment for VAT purposes of business transfers through the leasing of property and closely related assets, together with the transfer (through sale or other transactions) of other key business components, such as stocks, fixed assets, client, supplier and employee contract portfolios and intangible assets? In the light of Article 29 of the VAT Directive, could the Commission also give its views regarding transfers of businesses (such as service providers) which, by their very nature, do not involve any significant movable assets?

Is the leasing of property a separate transaction for the purposes of VAT law implementation or an integral part of a transfer concluded under Articles 19 and 29 of the VAT Directive?

Does the answer to any extent depend on whether the property in question is essential to the continued conduct of the transferred business or whether this can take place elsewhere?